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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,667	03/29/2004	Derrick Douglas Little	9D-RG-20087 CIP	2435

7590 12/08/2006
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EXAMINER

SUERETH, SARAH ELIZABETH

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,667

Applicant(s)

LITTLE ET AL.

Examiner

Sarah Suereth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,10-16,18-22 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10-16 and 18-22,25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-7, 10-13, 16, 20-22, and 25-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (6234161) in view of Waite (6050893).

Levi discloses: a gas burner (20-23), a cooktop (5) configured to cover a burner box (102) and having at least one peripheral vent cut (120,121) configured to vent outside air into the burner box to provide air for the gas burner (col. 4, lines 13-16); and a vent trim (13) attached to said cooktop and covering the vent cut (120,121), said vent trim having a surface with openings (120,121) above a top surface of the cooktop

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(Figure 1), wherein said openings are configured to allow outside air to enter the vent cut through the vent trim (col. 4, lines 13-16).

Regarding claims 6,7,12,13,21,22,27 and 28, the Levi vent cuts are regarded as "defining a recessed corner of said cooktop", as the vent cuts (120,121) are located in the rear corners of the cooktop (Figure 1), and also as being located "along an edge of said cooktop", as alternate vent cut (124) is located along the edge of the cooktop (Figure 1).

Regarding claims 10 and 25, the vent cover also has a raised surface that is capable of isolating the vent opening from spills on the cooktop (col. 2, lines 41,42).

As discussed above, Levi discloses the claimed invention with the exception of a mounting clip overlapping a bottom surface of the cooktop. Levi discloses mounting the vent trim to the cooktop surface by seals (109,110).

Waite discloses mounting a vent cover (2) to a lower surface (5) via clips (8). Waite teaches that the clips provide the advantage of allowing the vent cover to be installed quickly and conveniently (col. 2, lines 55-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Levi apparatus by replacing the Levi seals with the Waite clips in order to allow the vent to be quickly installed onto the cooktop surface (col. 1, line 15).

Waite is considered to be analogous art, because it is reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24

USPQ2d 1443 (Fed. Cir. 1992). In this case, the particular problem applicant was concerned with was mounting a vent cover to a surface.

4. Claims 3, 4, 14, 15, 18, 19, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (6234161) in view of Waite (6050893), further in view of Taplan et al (5653219).

As discussed above, Levi in view of Waite discloses the claimed invention with the exception of teaching that the vent trim is sealed to the cooktop in water-tight engagement with adhesive tape.

Taplan discloses: a gas burner (3), a cooktop (2) having at least one peripheral vent cut (8) and a vent trim (9) attached to said cooktop and covering the vent cut (Figure 2).

Regarding claims 3, 8, 14, 18, 23 and 29, the vent trim is sealed in water-tight engagement (col. 1, lines 48).

Regarding claims 4, 15, 19 and 30, the seal is adhesive tape (col. 2, line 64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Levi in view of Waite apparatus with the adhesive seal of Taplan in order to provide a water-tight yet elastic seal between the vent cover and the cookplate (col. 2, lines 63-68).

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Response to Arguments

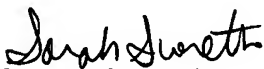
5. Applicant's arguments with respect to the amended claims have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Suereth whose telephone number is (571) 272-9061. The examiner can normally be reached on Monday to Thursday 7:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on (571) 272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sarah Suereth
Examiner
Art Unit 3749


JOSHUA C. COCKS
PRIMARY EXAMINER